



PUBLIC NOTICE

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THE CONSUMER & GOVERNMENTAL AFFAIRS BUREAU REPORTS ON THE FIRST TRIENNIAL REVIEW OF THE COMMISSION'S POLICIES AND PRACTICES UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

CG Docket No. 03-123

Summary

The Federal Communications Commission (Commission) has long been committed to ensuring that persons with disabilities have full access to its programs and activities. To ensure that such accessibility remains a priority, the Commission's rules implementing section 504 of the Rehabilitation Act of 1973¹ require that the Commission undertake a self-evaluation every three years.² This year, 2007, marks the end of the first triennium. The Consumer & Governmental Affairs Bureau (Bureau) accordingly releases this Public Notice to report on compliance with the section 504 rules.

This Public Notice reviews disability access services provided during the past three years, considers comments from consumers served, and replies to the single filing submitted in response to the *Public Notice* seeking comment on the Commission's section 504 policies and practices.³ The report concludes that during the past three years, the Commission has successfully provided access to its programs and activities for persons with disabilities in accordance with section 504.

Background

Section 504 of the Rehabilitation Act prohibits discrimination against persons with disabilities under any program or activity receiving federal funds.⁴ In 1978, the Act was amended to include any program or activity conducted by an Executive Branch agency or the United States Postal Service.⁵ The 1978 amendments also required covered agencies to establish regulations to implement section 504's

¹ See 47 C.F.R. §§ 1.1801-1.1851; see generally 29 U.S.C. § 794 (section 504 of the Rehabilitation Act of 1973 (Rehabilitation Act)), as amended by the *Rehabilitation Act Amendments of 1974*, Pub.L. 93-516, 88 Stat. 1617, the *Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978*, Pub.L. 95-602, 92 Stat. 2955, and the *Rehabilitation Act Amendments of 1986*, § 103(d), Pub.L. 99-506, 100 Stat. 1810.

² 47 C.F.R. § 1.1810.

³ *The Consumer & Governmental Affairs Bureau Seeks Comment on the Commission's Policies and Practices Under Section 504 of the Rehabilitation Act of 1973*, CG Docket No. 03-123, DA 07-1396, Public Notice (March 23, 2007) (*Public Notice*).

⁴ 29 U.S.C. § 794.

⁵ See note 1, *supra*.

mandates.⁶ As a result, the Commission subsequently released an order adopting, with minor modifications, the Department of Justice's prototype regulations for implementing and enforcing section 504.⁷

On March 12, 2003, the Commission released an order amending its section 504 rules.⁸ These amendments updated terminology to be consistent with current statutory language, supplied specifications for filing in alternative formats, outlined procedures for requesting reasonable accommodations, and established a triennial self-evaluation.

Concurrent with the release of the *2003 Section 504 Order*, the Commission also produced and distributed the *Federal Communications Commission Section 504 Programs and Activities Accessibility Handbook (Section 504 Handbook)*. The *Section 504 Handbook* provides disability awareness and accessibility guidance for Commission staff. Since the *Section 504 Handbook* functions as a centralized source for both disability information and accessibility best practices, it was also made available to the public via the Commission's website.⁹ Paper copies were supplied upon request.

On March 23, 2007, the Bureau released a Public Notice seeking comment on the Commission's policies and practices under section 504 of the Rehabilitation Act. The Bureau received one comment in response to the Public Notice from Sorenson Communications, Inc. (Sorenson).

Analysis

The Commission makes every effort to be as responsive as possible to requests for accommodation from individuals with disabilities, and we have reviewed these efforts for the three-year period from July 2004 through June 2007. We have examined the access services we have provided in the following forms:

- Sign language interpreting
- Captioning
- CART (Computer Assisted Realtime Translation)
- Re-voicing
- Braille
- Large print
- Electronic formats (text, MSWord, pdf)
- Audio (MP3 files, CDs, cassette tapes).

These services are supplied by a variety of means. Some services are provided through in-house resources and others through external contracts. For each form of accommodation, the Commission attempts to acquire the best services available under the circumstances.

⁶ The legislative history of the 1978 amendments indicates that Congress intended section 504 requirements to apply to all federal agencies, including independent regulatory agencies such as the FCC. *See Amendment of Part 1 of the Commission's Rules to Implement Section 504 of the Rehabilitation Act of 1973, as amended*, 29 U.S.C. § 794, Gen. Docket No. 84-533, Report and Order, 2 FCC Rcd 2199, at para. 2 (April 15, 1987) (*Section 504 Report and Order*).

⁷ *See Section 504 Report and Order*.

⁸ *Amendment of Part 1, Subpart N of the Commission's Rules Concerning Non-Discrimination on the Basis of Disability in the Commission's Programs and Activities*, FCC 03-48, Order, 18 FCC Rcd 4034 (March 12, 2003) (*2003 Section 504 Order*).

⁹ *See* http://www.fcc.gov/cgb/dro/section_504.html.

When we have received consumer reports of dissatisfaction with service providers (*e.g.*, regarding turnaround times for Braille documents, sign language interpreters who have difficulty understanding specific deaf consumers), we have been able to work with the consumers to make sure that their preferences are noted when subsequent requests for accommodations are made. Overall, consumer feedback has been positive. We conclude that we do not need to modify our accessibility policies and practices at this time, but will continue to address specific accessibility issues as they arise.

To ensure that consumers with disabilities know how to request the access services they need, instructions for requesting reasonable accommodations are included on the Commission website, in most public documents, and in all consumer fact sheets and advisories. Requests for services are generally received via the Commission's FCC504 mailbox (FCC504@fcc.gov), the Disability Access telephone line (both voice and TTY), or by direct contact with the Commission's Section 504 Officer.

Response to Public Notice

Sorenson focused its comments on Video Relay Service (VRS) access issues. Sorenson notes that the Commission's public videophone located near the Commission Meeting Room on the TW level of the Portals II Building "appears to be dedicated to Federal Relay."¹⁰ Sorenson asserts that "[t]he Commission's current practice of restricting on-premises callers to Federal Relay denies those callers the full access mandated by section 504."¹¹ Contrary to Sorenson's assertion, we clarify that the Commission's public videophone does not require callers to use Federal Relay Service. Calls can be made peer-to-peer¹² or through any VRS provider. Sorenson also recommends that the information about VRS in the Commission's *Section 504 Handbook* be updated to reflect changes in the services offered through VRS providers – specifically, that VRS calls may now be initiated by hearing callers and that ASL-to-Spanish VRS services are available.¹³ These changes will be reflected in the next edition of the *Section 504 Handbook*.

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The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. Copies may be purchased by contacting the FCC's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington D.C. 20554, telephone 1-800-378-3160, facsimile 202-488-5563, or via e-mail www.bcpweb.com.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document can also be downloaded in Word and Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro>.

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¹⁰ Sorenson Communications, Inc. (Sorenson) Comments (May 22, 2007) at 2.

¹¹ *Id.* at 3.

¹² Peer-to-peer calls refer to videophone-to-videophone calls, and are not relay calls.

¹³ Sorenson Comments at 5.